

7.1

## DRAFT RESOLUTION

Re: Development Variance Permit Application No. DVP12-0021 - Stephen & Elizabeth Foster - 4637 Fordham Road

THAT Council defers consideration of Development Variance Permit Application No. DVP12-0021 to the May 15, 2012 Regular Meeting at 6:00 pm in the Council Chamber.

### BACKGROUND:

Staff has advised that the development sign was not posted on the subject property, and therefore the Applicant did not meet the requirements of Development Application Procedure Bylaw No. 10540 with respect to signage. The Applicant is aware that Council's consideration of its application will have to be deferred.

Date: May 1, 2012



# REPORT TO COUNCIL



**Date:** March 21, 2012  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (BD)

**Application:** DVP12-0021      **Owner:** Stephen C. and Elizabeth E. Foster  
**Address:** 4637 Fordham Road      **Applicant:** Stephen C. and Elizabeth E. Foster  
**Subject:** Development Variance Permit

**Existing OCP Designation:** Single / Two Family Residential  
**Existing Zone:** RU1 - Large Lot Housing

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0021, for Lot 10, District Lot 357, O.D.Y.D., Plan 17105, located on Fordham Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 6.5.7 Accessory Development - lot coverage:

To vary the maximum allowable lot coverage for an accessory building from 90m<sup>2</sup> permitted to 157 m<sup>2</sup> proposed (as per Schedule "A")

Section 13.1.6 (b) Development Regulations - building height:

To vary the maximum height permitted for an accessory building from 4.5m permitted to 5.7m proposed.

## 2.0 Purpose

This application seeks a Development Variance Permit to increase the permitted maximum height and footprint of an accessory building.

## 3.0 Land Use Management

The applicant is seeking to construct an addition to their garage. The drawings provided show an addition to the rear of the garage and a change to the roof pitch from the original permit, thereby requiring lot coverage and height variances.

Given the ample size of the subject property and the context of the immediate neighbouring parcels, the overall impact of the oversized garage structure is not imposing. The accessory

structure is secondary in size as compared to the single family dwelling. The existing garage is located in the north east portion of the site and the proposed addition is to be constructed immediately behind the garage with a connecting vestibule. The expanded garage is to accommodate the owner's collection of vehicles and allow separate spaces for two different hobbies.

Given that there are no changes proposed for the front of the garage, the visual impact from the street will be minimal. Favorably, the tents that currently cover the vehicles will be removed. The applicant has provided abutting property signatures supporting both variances.

#### 4.0 Proposal

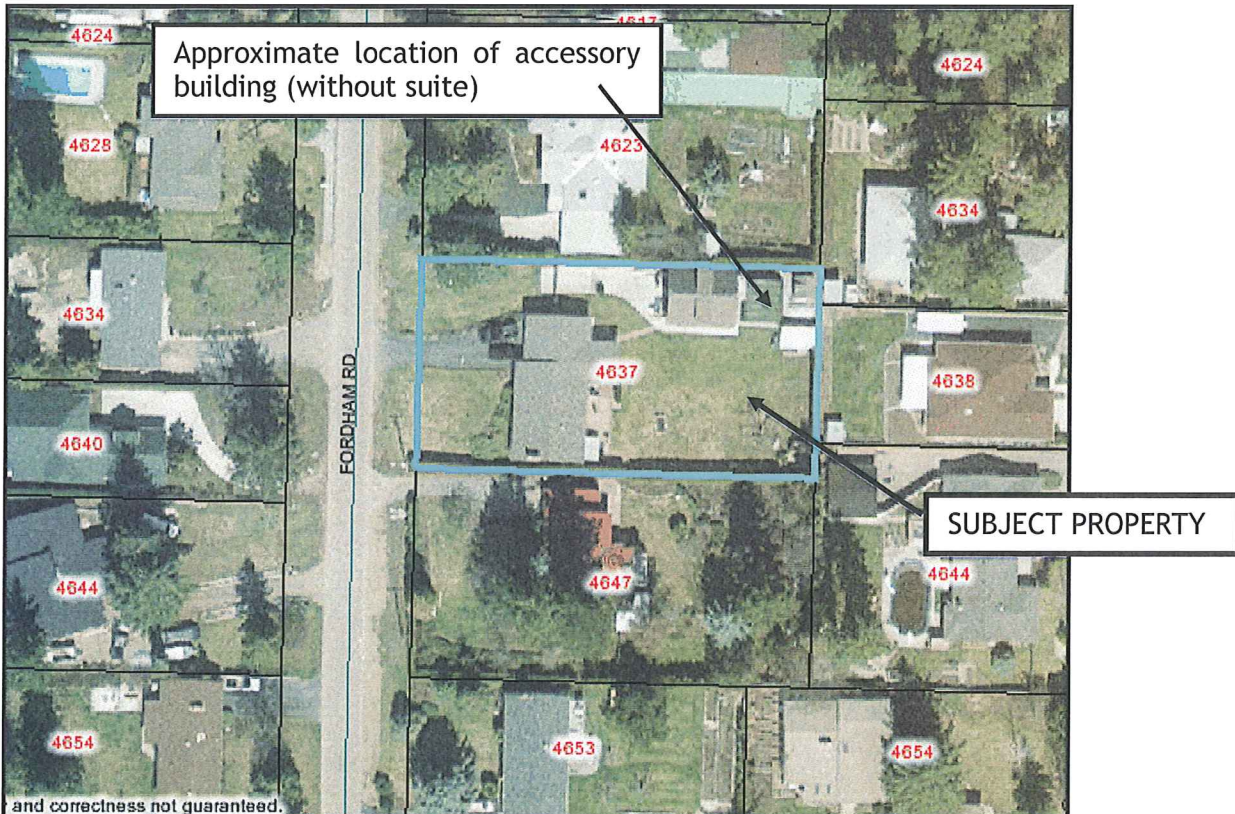
##### 4.1 Background / Project Description

The application is seeking to construct an addition to an existing accessory building to facilitate expanded vehicle storage space. The plans show an addition to the rear of the garage with a side entry garage door. A vestibule with access to the upper level of the building is to be located between the existing garage and the new addition. The function of the upper level is for storage and a separate wood working space. The driveway will be elongated to access the new portion of the garage.

##### 4.2 Site Context

Subject Property Map:

4637 Fordham Road



The subject property is located on the east side of Fordham Road, south of McClure Road. The property is located in the North Mission - Crawford sector of the City. All adjacent land uses are zoned RU1 - Large Lot Housing and are single family dwellings.



### 4.3 Zoning Analysis

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m <sup>2</sup>	2031 m <sup>2</sup>
Lot Width	16.5 m	38.1 m
Lot Depth	30.0 m	68.42 m
Development Regulations		
Site Coverage	40% buildings 50% bldg & dwys	20.52% buildings 45% bldg & Dwys
Accessory building footprint	90m <sup>2</sup> or 14% of the site	158m <sup>2</sup> ① Or 7.8%
Accessory Building		
Height	4.5 m	5.7 m ②
Separation between bldgs	1.0 m	8.0 m
Front Yard	6.5m	38.2 m
Side Yard (north)	1.0 m	1.8 m
Side Yard (south)	1.0 m	22 m
Rear Yard	1.5 m	4.42 m
① Indicates a requested variance to vary the permitted footprint from 90m <sup>2</sup> to 158m <sup>2</sup> .		
② Indicates a requested variance to vary the height of the accessory building from 4.5m permitted to 5.7m proposed.		

### 5.0 Technical Comments

#### 5.1 Building & Permitting Department

Building permit is required.

#### 5.2 Development Engineering Department

The application does not compromise our servicing requirements.

#### 5.3 Fire Department

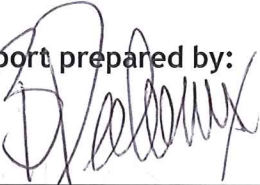
No concerns

### 6.0 Application Chronology

Date of Application Received: February 3, 2012

Application refinement: March 19, 2012

Report prepared by:



Birte Decloux, Land Use Planner

Reviewed by:



Danielle Noble, Manager of Urban Land Use

Approved for Inclusion:

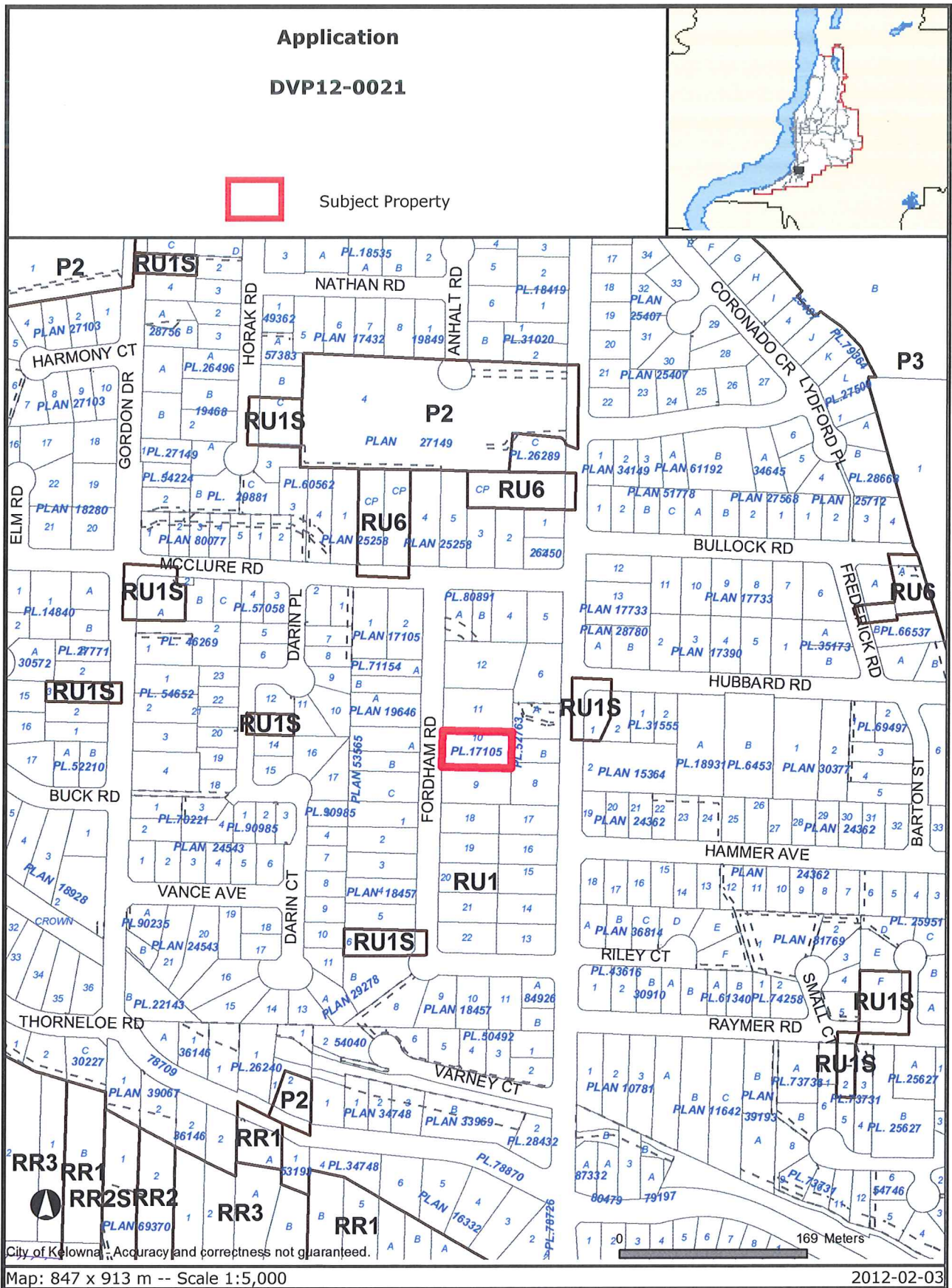


Shelley Gambacort, Director, Land Use Management

Attachments:

Subject Property Map

Site Plan, Elevation drawings & Floor plans



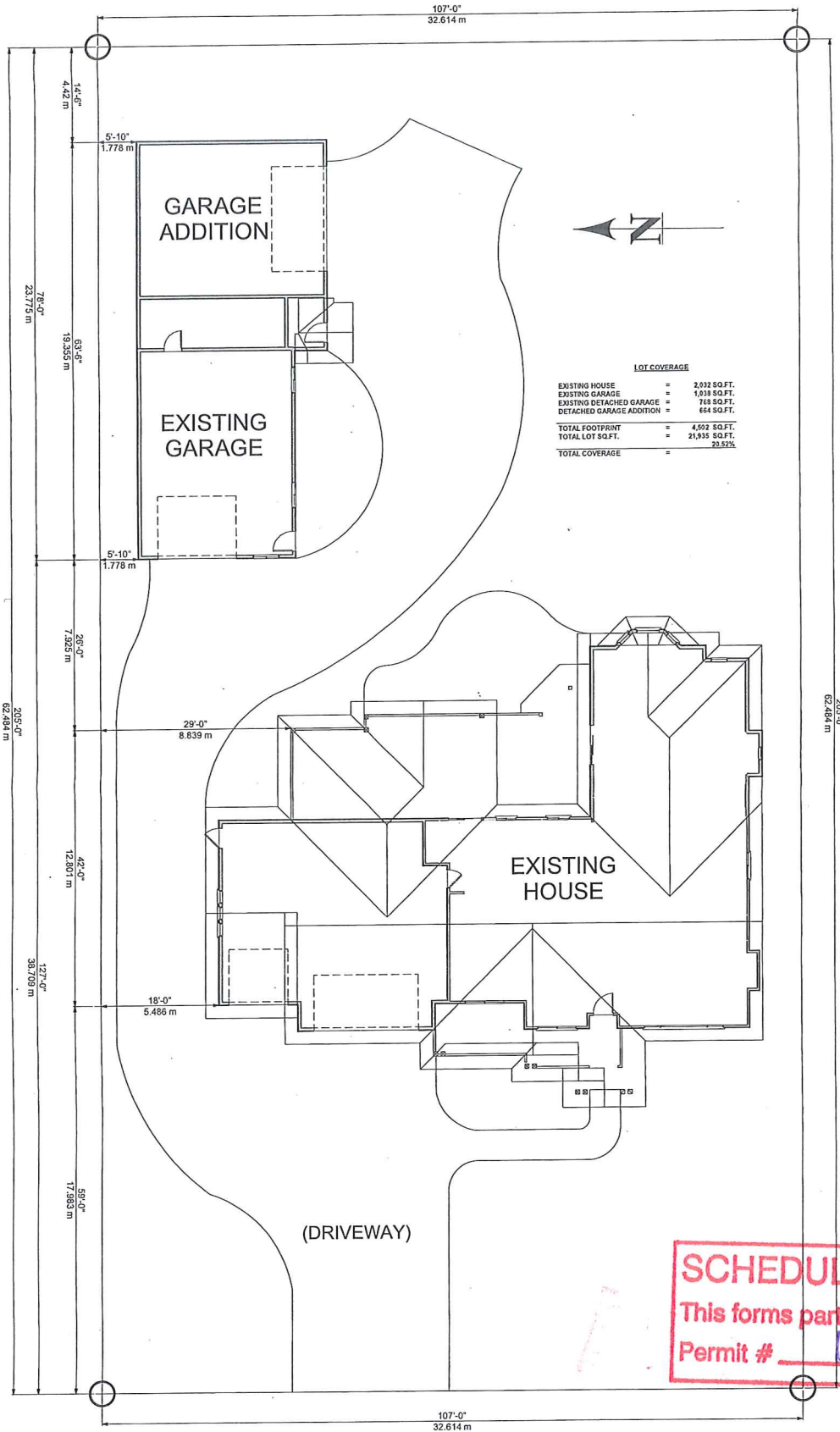
City of Kelowna, Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2012-02-03

Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.





**LOT COVERAGE**

EXISTING HOUSE	=	2,032 SQ.FT.
EXISTING GARAGE	=	1,038 SQ.FT.
EXISTING DETACHED GARAGE	=	718 SQ.FT.
DETACHED GARAGE ADDITION	=	664 SQ.FT.
<b>TOTAL FOOTPRINT</b>	<b>=</b>	<b>4,502 SQ.FT.</b>
<b>TOTAL LOT SQ.FT.</b>	<b>=</b>	<b>21,935 SQ.FT.</b>
<b>TOTAL COVERAGE</b>	<b>=</b>	<b>20.52%</b>

**SCHEDULE A**  
 This forms part of development  
 Permit # DVP12-0021

**PLOT PLAN**  
 SCALE: 1/8" = 1'

**MULLINS**  
 DRAFTING & DESIGN

1964 Dayton Street  
 Kelowna BC V1Y 7W6  
 Bus: (250) 717-3415  
 Cell: (250) 258-7819  
 e-mail: mullinsdrafting@shaw.ca

PROPOSED PROJECT FOR

**STEVE FOSTER**  
**GARAGE ADDITION**  
**4637 FORDHAM RD.**

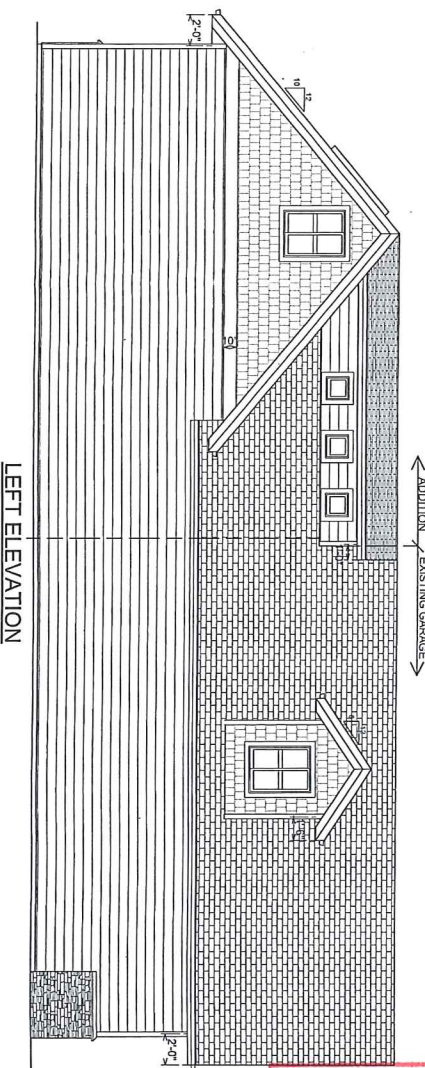
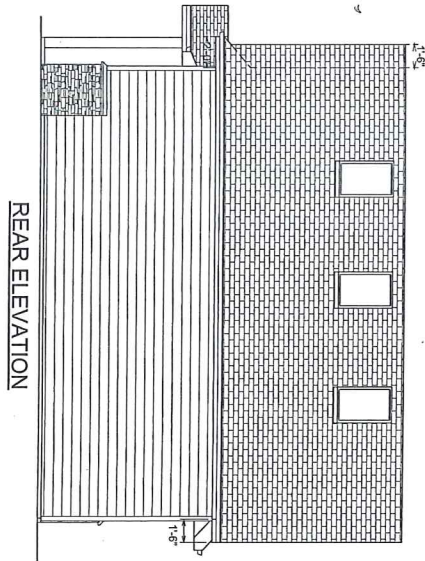
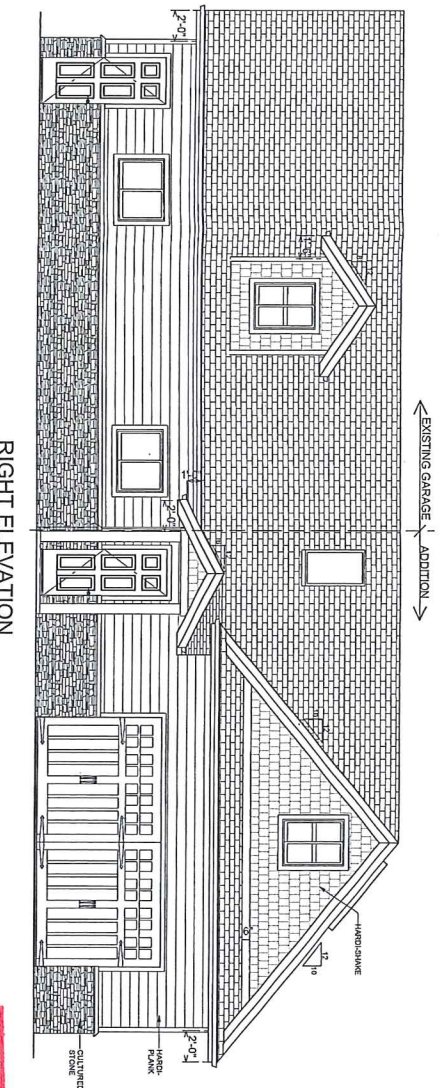
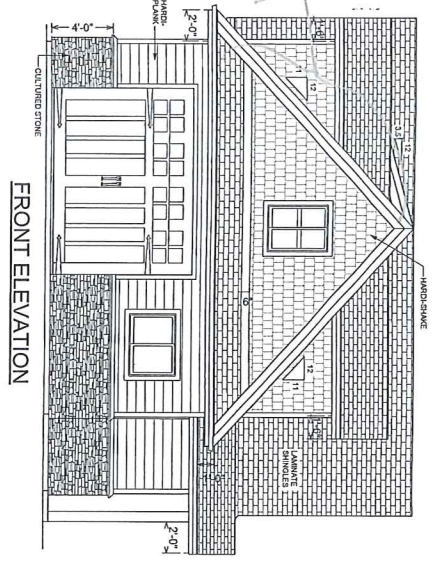
SCALE: 1/4" = 1'

DATE: NOV 21 - 2011

SHEET NUMBER

**2/5**

Original  
 11/12 pitch  
 Proposal  
 11/12  
 This height  
 11/12



GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE BC BUILDING CODE AND ALL LOCAL LAWS AND ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND TO ASSURE THERE ARE NO OBSTACLES.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR FOR THE CORRECT FIT OF THE BUILDING TO CONFORM WITH NECESSARY SETBACKS.
4. ALTHOUGH EVERY EFFORT HAS BEEN MADE TO PROVIDE COMPLETE AND ACCURATE INFORMATION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ON SITE. THEREFORE, BUILDING SHALLING BE SHOWN AS A DECISION WILL NOT BE HELD FOR ANY ERRORS OR OMISSIONS.

NOTE: TO BE CONFORMED BY OWNER CONTRACTOR MUST TO OBTAIN TO NUMBER PROPERTY NUMBER AND CHECK.

NOTE: ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE BC BUILDING CODE AND ALL LOCAL LAWS AND ORDINANCES.

**SCHEDULE B**  
 This forms part of development  
 Permit # 0VP11-0021



1964 Dayton Street  
 Kelowna BC V1Y 7W6  
 Bus: (250) 717-3415  
 Cell: (250) 258-7819

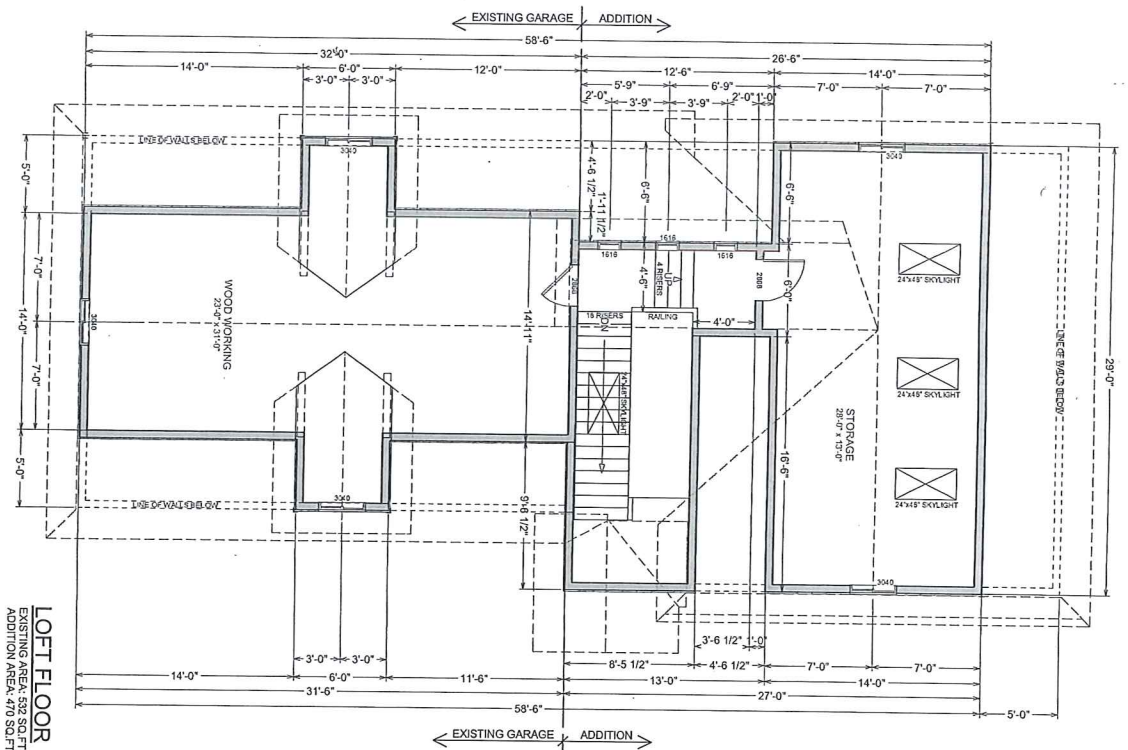
PROPOSED PROJECT FOR  
**STEVE FOSTER**  
 GARAGE ADDITION  
 4637 FORDHAM RD.

SCALE: 1/4" = 1'  
 DATE: NOV 21 - 2011  
 SHEET NUM  
**1/1**

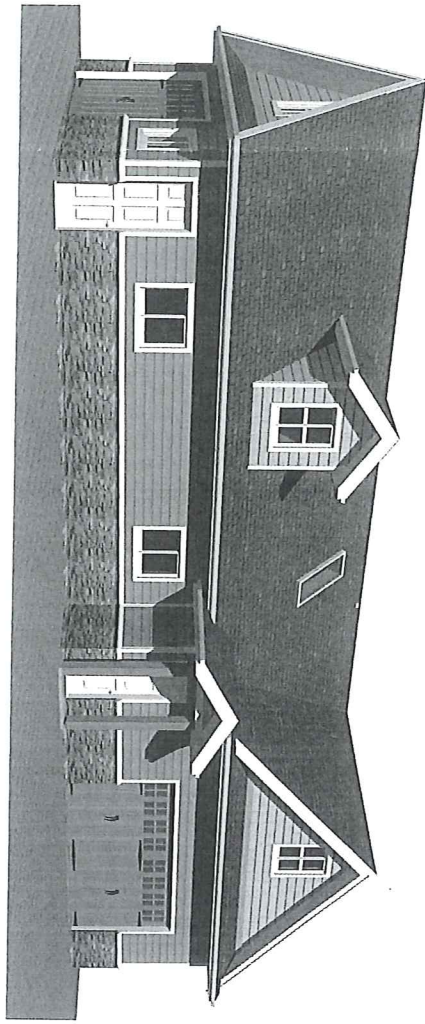








**LOFT FLOOR**  
 EXISTING AREA 532 SQ. FT.  
 ADDITION AREA 470 SQ. FT.



# CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No. : DVP12-0021

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: Stephen C. and Elizabeth E. Foster
LOCATION OF SUBJECT SITE: 4637 Fordham Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	10	357	17105			ODYD

SCOPE OF APPROVAL

- This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the Applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the Applicant or City staff.

1. TERMS AND CONDITIONS:

AND THAT variances to the following sections of Zoning Bylaw No. 8000 are granted:

Section 6.5.7 Accessory Development – lot coverage:

To vary the maximum allowable lot coverage for an accessory building from 90m<sup>2</sup> permitted to 157 m<sup>2</sup> proposed (as per Schedule “A”)

Section 13.1.6 (b) Development Regulations - building height:

To vary the maximum height permitted for an accessory building from 4.5m to 5.7m proposed.



2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

3. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$           n/a          .
- (b) A Certified Cheque in the amount of \$           n/a          .
- (c) An Irrevocable Letter of Credit in the amount of \$           n/a          .

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY COUNCIL ON THE \_\_\_<sup>th</sup> DAY OF MAY, 2012.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE \_\_\_<sup>TH</sup> DAY OF MAY 2012.

\_\_\_\_\_  
Shelley Gambacort  
Director of Land Use Management